

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER:

ASHEVILLE REGULATORY FIELD OFFICE
US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

Applicant: Austin Village Retail, LLC.
227 W. Trade St.
Charlotte, NC 28202

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Austin Village

State: NC County/parish/borough: Union City:
Center coordinates of site (lat/long in degree decimal format): Lat. 35.0681° **N**, Long. 80.7010° **W**.
Universal Transverse Mercator: Zone 17 NAD 83 Datum

Name of nearest waterbody: West Fork Twelve Mile Cr.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Catawba River

Name of watershed or Hydrologic Unit Code (HUC): 03050103

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

Wetlands: .08 acres.

c. Limits (boundaries) of jurisdiction based on: **1987 Delineation Manual**

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 1370 square miles

Drainage area: 34 acres

Average annual rainfall: 47 inches

Average annual snowfall: 2 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 3 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 25-30 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: Unamed pond to West Fork Twelvemile Cr. to Twelvemile Cr. to Sixmile Cr. to Catawba River.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Feature is a drained pond.
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: 5 feet

Average depth: 5 feet

Average side slopes: **Vertical (1:1 or less).**

Primary tributary substrate composition (check all that apply):

<input type="checkbox"/> Silts	<input checked="" type="checkbox"/> Sands	<input type="checkbox"/> Concrete
<input type="checkbox"/> Cobbles	<input checked="" type="checkbox"/> Gravel	<input type="checkbox"/> Muck
<input type="checkbox"/> Bedrock	<input type="checkbox"/> Vegetation. Type/% cover:	
<input type="checkbox"/> Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Eroding.

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 5 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **11-20**

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics: .

Subsurface flow: **Unknown.** Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

<input type="checkbox"/> Bed and banks	
<input checked="" type="checkbox"/> OHWM ⁶ (check all indicators that apply):	
<input type="checkbox"/> clear, natural line impressed on the bank	<input checked="" type="checkbox"/> the presence of litter and debris
<input checked="" type="checkbox"/> changes in the character of soil	<input type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input checked="" type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input checked="" type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input checked="" type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	
<input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: .	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input checked="" type="checkbox"/> High Tide Line indicated by:	<input type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;
<input type="checkbox"/> fine shell or debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water color is brown.

Identify specific pollutants, if known: .

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☒ Fish/spawn areas. Explain findings: .
 - ☐ Other environmentally-sensitive species. Explain findings: .
 - ☒ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: .09 acres

Wetland type. Explain: Old pond bed.

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow**. Explain: .

Surface flow is: **Discrete and confined**

Characteristics: .

Subsurface flow: **Unknown**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☒ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain: .
 - ☐ Ecological connection. Explain: .
 - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **30 (or more)** river miles from TNW.

Project waters are **25-30** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters**.

Estimate approximate location of wetland as within the **100 - 500-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water color is brown.

Identify specific pollutants, if known: Erosion.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☒ Fish/spawn areas. Explain findings: .
 - ☐ Other environmentally-sensitive species. Explain findings: .
 - ☒ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **4**

Approximately (.08) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>		<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
A (Y)	.01		B (Y)	.01
C (Y)	.05		D (Y)	.01

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
- ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
- ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☒ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: The wetland is the upper most part of a offsite agricultural pond which directly feeds an RPW.

Provide acreage estimates for jurisdictional wetlands in the review area: .08acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

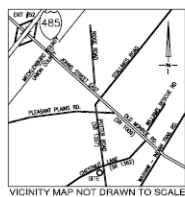
- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Maps.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☐ U.S. Geological Survey Hydrologic Atlas: .
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 USGS Matthews (NC).
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: <http://websoilsurvey.nrcs.usda.gov>.
☐ National wetlands inventory map(s). Cite name: .
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Union Co. 2007.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .



LEGEND:

- NN - NEW NAIL
 EN - EXISTING NAIL
 EIP - EXISTING IRON PIPE
 EIR - EXISTING IRON ROD
 NR - NEW IRON ROD
 PP - POWER POLE
 LP - LIGHT POLE
 TB - TELEPHONE BOX
 CW - CUT WIRE
 PM - POWER METER
 MM - WATER METER
 WMH - WATER MAIN HOLE
 FI - FIRE HYDRANT
 WV - WATER VALVE
 CV - GAS VALVE
 CB - CATCH BASIN
 DI - DRAIN INLET
 RCP - REINFORCED CONCRETE PIPE
 CMP - CORRUGATED METAL PIPE
 CUP - COATED PLASTIC PIPE
 PVC - POLYVINYL-CHLORIDE PIPE
 SSM - SANITARY SEWER MAINHOLE
 NS - NAIL
 C/O - RIGHT-OF-WAY
 EOP - EDGE OF PAVEMENT
 FFE - FINISHED FLOOR ELEVATION
 CATV - CABLE TELEVISION BOX
 CUP - CUPROSON UNDERGROUND LINE

LINE TABLE		
LINE	LENGTH	BEARING
13	7.50	N51°08'18"E
14	7.50	N51°08'18"E



UTILITIES

POWER
DUKE POWER CO.
(704) 289-6202

TELEPHONE
ALLTEL CAROLINA, INC.
(704) 847-9005

WATER & SEWER
CITY OF MONROE
(704) 282-1416

NORTH CAROLINA NATURAL GAS
1-800-275-6264

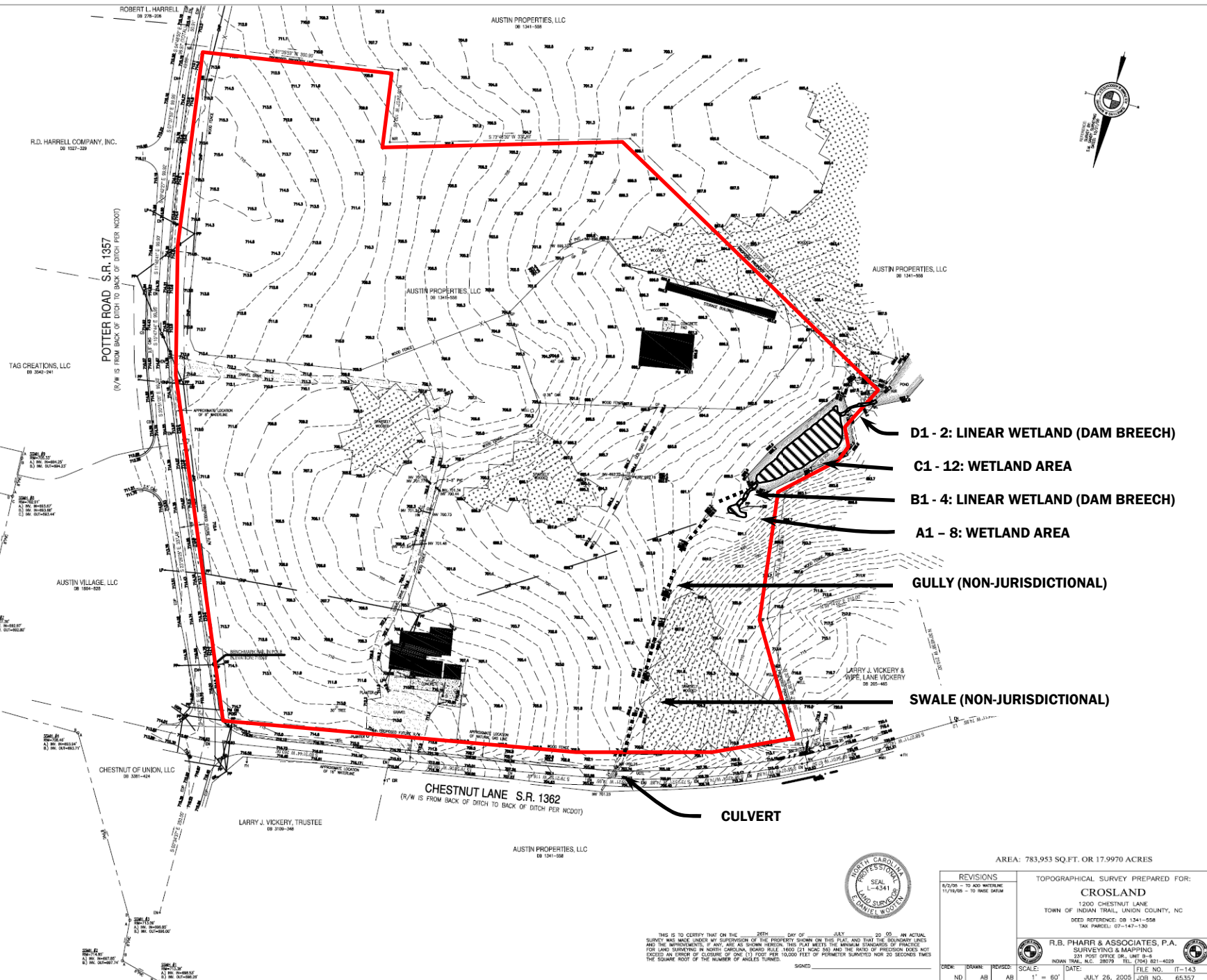
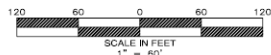
CABLE TELEVISION
TIME WARNER
1-800-832-4949

FLOOD CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
JULY 5, 1994, COMM. PANEL NO. 32129C0080 C.

NOTES:

1. NO RECOVERABLE NOGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
2. THE SUBJECT MAP DOES NOT SHOW ANY BENEFIT OF A TITLE COMMITMENT REPORTED BY R.B. PHARR & ASSOCIATES, L.L.C. THAT MAY AFFECT THE ORDER OF RECOVERED NOGS MAPS OR MAY NOT AFFECT THE SUBJECT PROPERTY.
3. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY THE UTILITY COMPANIES. THE INFORMATION SHOWN HEREIN IS NOT INTENDED FOR PLANNING ANY ACTUAL CONSTRUCTION. THE INFORMATION IS PROVIDED TO THE USER WITH THE UNDERSTANDING THAT THE INFORMATION IS NOT GUARANTEED BY THE INDIVIDUAL UTILITY COMPANY PROVIDING CONSTRUCTION INFORMATION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING "TWO-THIRD PARTY" INFORMATION FROM THE UTILITY COMPANIES. THE INFORMATION ON THIS MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE INFORMATION PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE INFORMATION PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE INFORMATION PROVIDED.
4. ELEVATIONS BASED ON (NODG MONUMENT) "PULASKI" ELEVATION = 779.53' (NODG 29)
5. SURVEY DATA WAS OBTAINED AND PERFORMED BY R.B. PHARR & ASSOCIATES IN CONNECTION WITH THIS MAP.
6. SUBJECT PROPERTY ZONED B-3
7. LOT AREA - 10,000 SQ. FT.
8. MINIMUM LOT WIDTH - 60 FEET
9. MINIMUM LOT DEPTH - 100 FEET
10. MINIMUM SET BACK - 10 FEET
11. MINIMUM FRONT SET BACK - 2.5 FEET



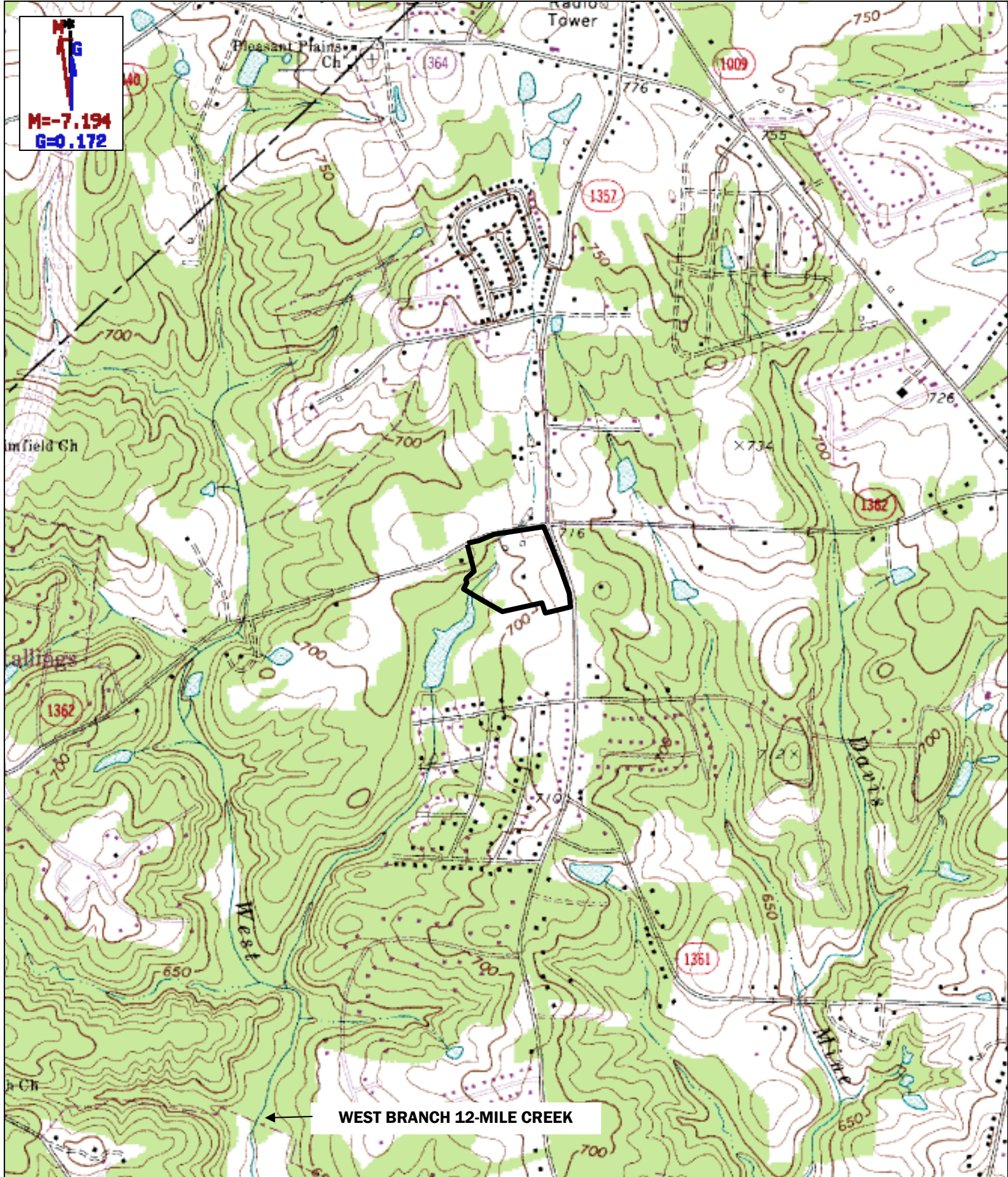
APPROXIMATE MAP – WATERS OF THE U.S

***FOR SURVEY AND STUDY PURPOSES ONLY
SUBJECT TO U.S.A.C.E. VERIFICATION**

AUSTIN VILLAGE PHASE III

SDICTIONAL WATERS OF THE U.S.

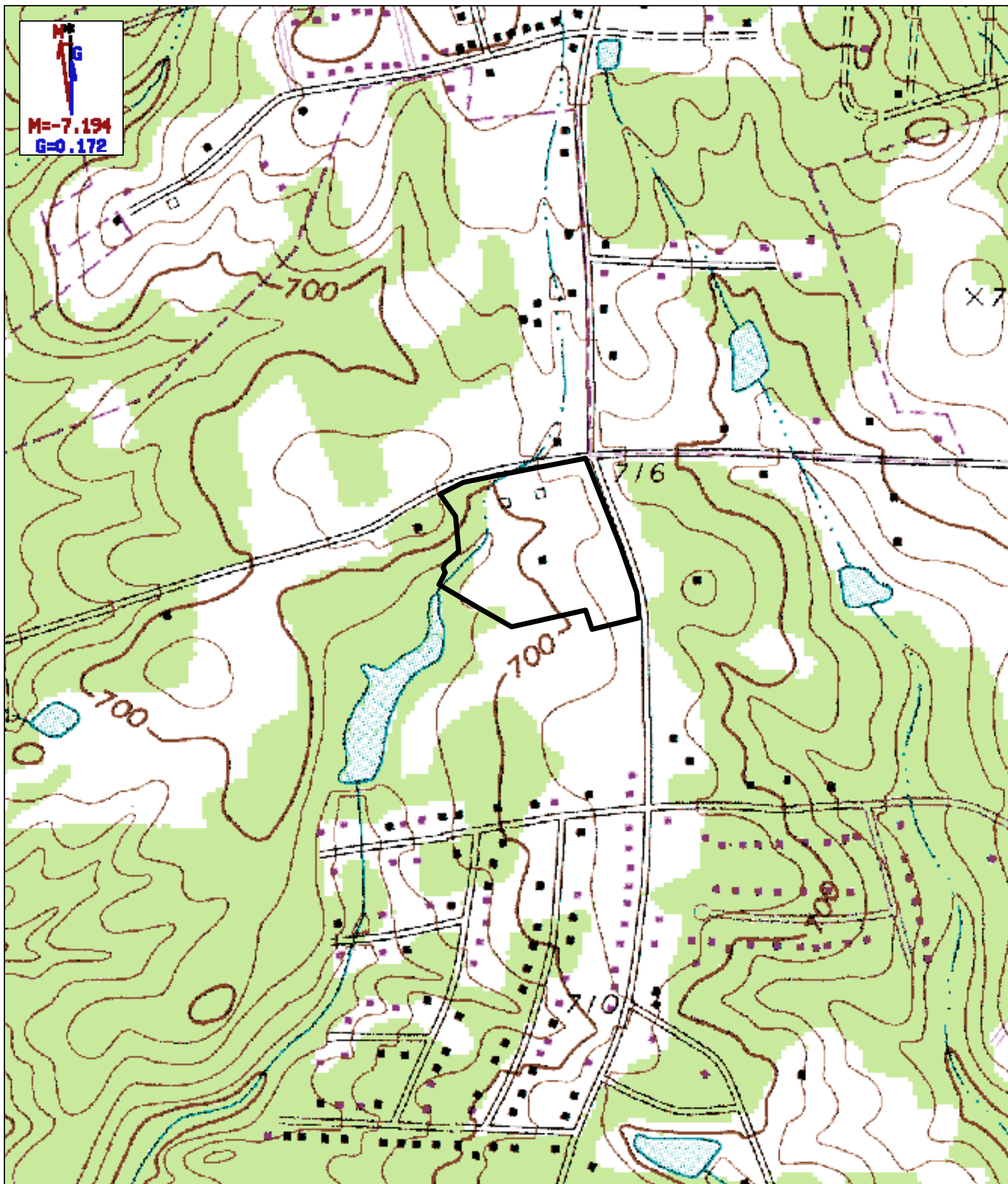
12-14-07



35.0681° N, 80.7010° W (NAD27)
USGS Matthews (NC) Quadrangle
Projection is UTM Zone 17 NAD83 Datum

SCALE = 1:48,000
HUC = 03040202

AUSTIN VILLAGE PHASE III
APPROXIMATE SITE LOCATION

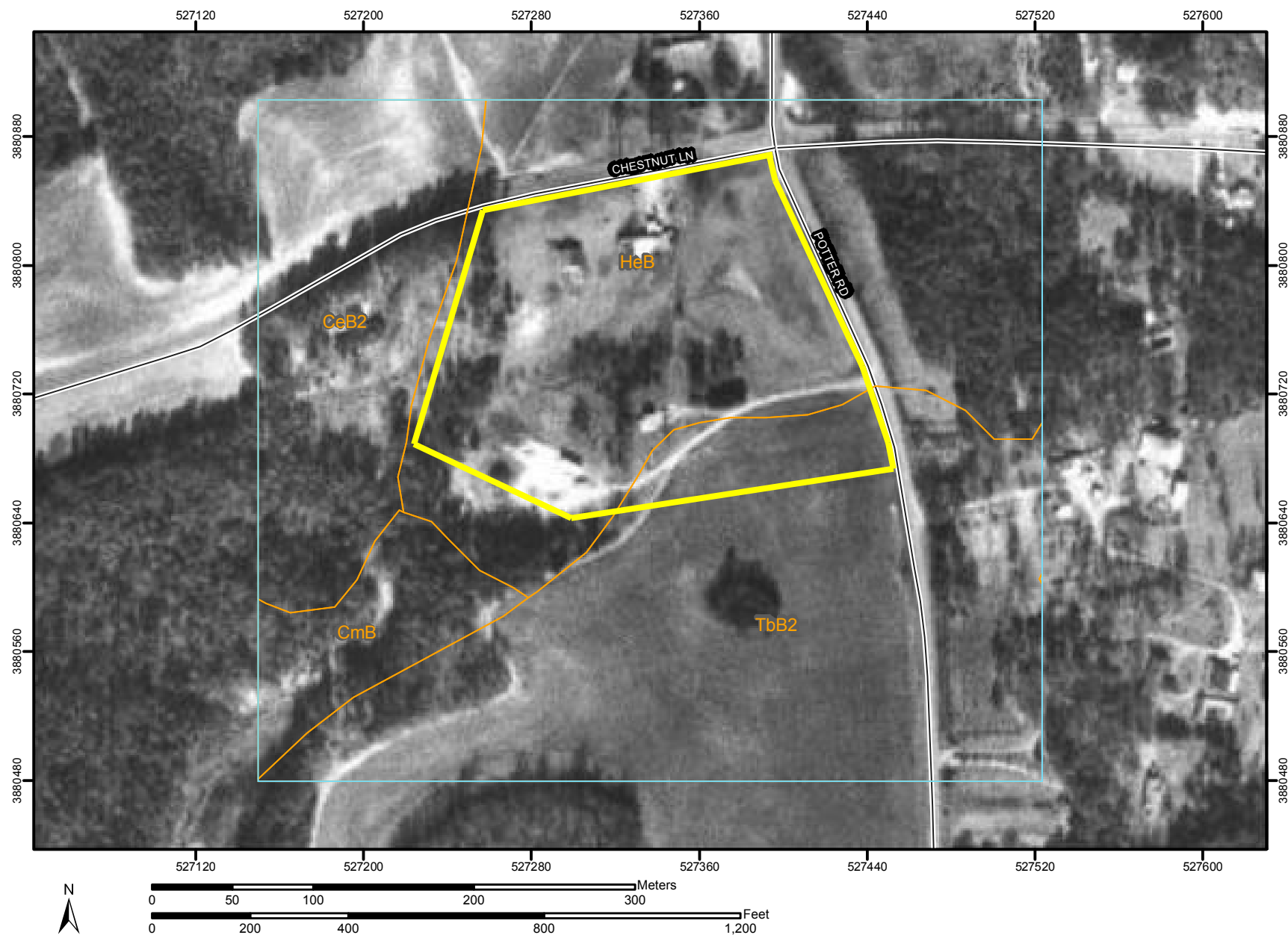


35.0681° N, 80.7010° W (NAD27)
USGS Matthews (NC) Quadrangle
Projection is UTM Zone 17 NAD83 Datum

SCALE = 1:24,000
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AUSTIN VILLAGE PHASE III
APPROXIMATE SITE LOCATION

Soil Map—Union County, North Carolina
(AUSTIN VILLAGE PHASE III)



Natural Resources
Conservation Service


Web Soil Survey 2.0
National Cooperative Soil Survey

12/14/2007
Page 1 of 3

Soil Map—Union County, North Carolina
(AUSTIN VILLAGE PHASE III)

MAP LEGEND






















Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot



Very Stony Spot



Wet Spot



Other

Special Line Features



Gully



Short Steep Slope



Other

Political Features

Municipalities



Cities



Urban Areas

Water Features



Oceans



Streams and Canals

Transportation



Rails

Roads



Interstate Highways



US Routes



State Highways



Local Roads



Other Roads

MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 17N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Union County, North Carolina
Survey Area Data: Version 10, Oct 19, 2007

Date(s) aerial images were photographed: 1993

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Map Unit Legend

Union County, North Carolina (NC179)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CeB2	Cecil gravelly sandy clay loam, 2 to 8 percent slopes, eroded	8.2	16.0%
CmB	Cid channery silt loam, 1 to 5 percent slopes	2.8	5.6%
HeB	Helena fine sandy loam, 2 to 8 percent slopes	20.8	40.8%
TbB2	Tatum gravelly silty clay loam, 2 to 8 percent slopes, eroded	19.1	37.5%
Totals for Area of Interest (AOI)		51.0	100.0%

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Austin Village</u> Applicant/Owner: <u>Austin Village Retail, LLC</u> Investigator: <u>Todd Warren, Nicholas Nelson</u>	Date: <u>12-14-07</u> County: <u>Union</u> State: <u>NC</u>
Do Normal Circumstances Exist on the site? <input checked="" type="checkbox"/> Yes No Is the site significantly disturbed (Atypical Situation)? Yes No <input checked="" type="checkbox"/> Is the area a potential Problem Area? Yes No <input checked="" type="checkbox"/> (If needed, explain on reverse.)	Community ID : _____ Transect ID: _____ Plot ID: <u>A,B,C,D</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Juncus effusus</u>	<u>Herbaceous</u>	<u>FACW+</u>	9. _____	_____	_____
2. <u>Carex crinita</u>	<u>Herbaceous</u>	<u>FACW+</u>	10. _____	_____	_____
3. <u>Typha latifolia</u>	<u>Herbaceous</u>	<u>OBL</u>	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). 100%

Remarks:

HYDROLOGY

<input checked="" type="checkbox"/> Recorded Data (Describe in Remarks): <u> </u> Stream, Lake, or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <u> </u> Other <input type="checkbox"/> No Recorded Data Available	Wetland hydrology Indicators: Primary Indicators: <u> </u> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input checked="" type="checkbox"/> Water Marks <u> </u> Drift Lines <input checked="" type="checkbox"/> Sediment Deposits <input checked="" type="checkbox"/> Drainage Patterns in Wetlands Secondary Indicators (2 or more required): <u> </u> Oxidized Root Channels in Upper 12" <input checked="" type="checkbox"/> Water-Stained Leaves <u> </u> Local Soil Survey Data <input checked="" type="checkbox"/> FAC-Neutral Test <u> </u> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>NA</u> (in.) Depth to Free Water in Pit: <u>6</u> (in.) Depth to Saturated Soil: <u>0-12</u> (in.)	Remarks:

SOILS

Map Unit Name (Series and Phase): <u>HeB Helena Fine Sandy Loam</u>		Drainage Class: <u>Moderately well Drained</u>	
Taxonomy (Subgroup): _____		Field Observations Confirm Mapped Type? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Profile Description:			
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)
0-1	A	2.5Y 4/1	NA
1-	B	2.5Y 6/1	5YR 8/1
Texture, Concretions, Structure, etc. Sandy Clay Sandy Clay			
Hydric Soil Indicators: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input checked="" type="checkbox"/> Gleyed or Low-Chroma Colors </div> <div style="width: 45%;"> <input type="checkbox"/> Concretions <input checked="" type="checkbox"/> High Organic Content in Surface Layer Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks) </div> </div>			
Remarks:			

WETLAND DETERMINATION

Hydrophytic Vegetation Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Circle) Wetland Hydrology Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Hydric Soils Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(Circle) Is this Sampling Point Within a Wetland? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Remarks: Wetlands are a part of a drained pond.	

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: _____ Applicant/Owner: _____ Investigator: _____	Date: _____ County: _____ State: _____
Do Normal Circumstances Exist on the site? Yes No Is the site significantly disturbed (Atypical Situation)? Yes No Is the area a potential Problem Area? Yes No (If needed, explain on reverse.)	Community ID : _____ Transect ID: _____ Plot ID: _____

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. _____	_____	_____	9. _____	_____	_____
2. _____	_____	_____	10. _____	_____	_____
3. _____	_____	_____	11. _____	_____	_____
4. _____	_____	_____	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____

Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-). _____

Remarks: _____

HYDROLOGY

_____ Recorded Data (Describe in Remarks): _____ Stream, Lake, or Tide Gauge _____ Aerial Photographs _____ Other _____ No Recorded Data Available	Wetland hydrology Indicators: Primary Indicators: _____ Inundated _____ Saturated in Upper 12 Inches _____ Water Marks _____ Drift Lines _____ Sediment Deposits _____ Drainage Patterns in Wetlands Secondary Indicators (2 or more required): _____ Oxidized Root Channels in Upper 12" _____ Water-Stained Leaves _____ Local Soil Survey Data _____ FAC-Neutral Test _____ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: _____(in.) Depth to Free Water in Pit: _____(in.) Depth to Saturated Soil: _____(in.)	
Remarks: _____	

SOILS

Map Unit Name (Series and Phase): _____						Drainage Class: _____ Field Observations	
Taxonomy (Subgroup): _____						Confirm Mapped Type? Yes No	

Profile Description:

<u>Depth</u> <u>(inches)</u>	<u>Horizon</u>	<u>Matrix Color</u> <u>(Munsell_Moist)</u>	<u>Mottle Colors</u> <u>(Munsell_Moist)</u>	<u>Mottle</u> <u>Abundance/Contrast</u>	<u>Texture, Concretions,</u> <u>Structure, etc.</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Hydric Soil Indicators:

<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Aquic Moisture Regime <input type="checkbox"/> Reducing Conditions <input type="checkbox"/> Gleyed or Low-Chroma Colors	<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer Sandy Soils <input type="checkbox"/> Organic Streaking in Sandy Soils <input type="checkbox"/> Listed on Local Hydric Soils List <input type="checkbox"/> Listed on National Hydric Soils List <input type="checkbox"/> Other (Explain in Remarks)
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Remarks:

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	Yes	No	(Circle)		(Circle)
Wetland Hydrology Present?	Yes	No			
Hydric Soils Present?	Yes	No		Is this Sampling Point Within a Wetland?	Yes No
Remarks:					